

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1, 3-8, and 10-23 were pending in the application, of which Claims 1, 6, 7, and 23 are independent. In the Office Action dated April 29, 2009, Claims 1, 6, 7, and 23 were rejected under 35 U.S.C. §§ 101 and 112 and Claims 1, 3-8, and 10-23 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 3-8, and 10-23 remain in this application. Applicants hereby address the Examiner's rejections in turn.

II. Rejection of the Claims Under 35 U.S.C. § 101

In the Office Action dated April 29, 2009, the Examiner rejected Claims 1, 6, 7, and 23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 6, 7, and 23 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

III. Rejection of the Claims Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claims 1, 6, 7, and 23 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the art, at the time the application was filed, that the inventor had possession of the claimed invention. In addition, the Examiner rejected Claims 1, 6, 7, and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claims 1, 6, 7, and 23 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

IV. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-3, 5-8, 10-16, 18, and 20-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0010612 ("*Pandya*") in view of U.S. Patent No. 5,499,371 ("*Henninger*") and U.S. Patent No. 2004/0003069 ("*Wong*"). In addition, the Examiner rejected Claims 4, 17, and 19 as being unpatentable over *Pandya* in view of *Henninger*, *Wong*, and U.S. Patent Publication No.

2004/0117438 (“*Considine*”). Claims 1, 6, 7, and 23 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “a first indication, if an information field in the credit request message comprises the positive value, wherein the first indication notifies the server of at least one of the newly allocated credits that the client has used, and at least one second indication, if the information field in the credit request message comprises the negative value, wherein each second indication corresponds to each credit that the client has released.” Amended Claims 6, 7, and 23 each include a similar recitation. Support for these amendments can be found in the specification at least on page 27. line 6 - page 28, line 10.

In contrast, and as asserted by the Examiner, *Pandya* and *Henninger* fail to disclose a crediting process wherein credits are employed for client usage of server resources. (See Office Action page 8, lines 3-15.) The Examiner relies on *Wong* to overcome *Pandya*’s and *Henninger*’s deficiencies, contending that *Wong* discloses the crediting process as previously claimed. Applicants respectfully submit that *Wong* fails to disclose each limitation of the previously claimed crediting process. However, Applicants further submit that, even if the Examiner’s contention were true, *Wong* still fails to disclose the newly added limitations reciting client-to-server provision of credit usage information, much less disclose any input/output (I/O) request association with the crediting process.

For example, *Wong* merely discloses a class-based data packet drop-off. (See paragraph [0027], lines 1-2.) *Wong* provides differentiated drop thresholds for premium versus standard data traffic rates. (See paragraph [0027], lines 2-3.) In other words, a switch or other network device in *Wong* may drop packets based on customer priority. (See paragraph [0027], lines 3-6.) Nowhere does *Wong* disclose a client providing a server with an indication as to how many credits of a server’s available credits the client has employed for I/O request offload. Rather, *Wong* merely discloses data packet drop off in accordance with bandwidth availability and defined administrator rules.

Combing *Pandya* with *Henninger* and *Wong* would not have led to the claimed subject matter because *Pandya*, *Henninger*, and *Wong*, either individually or in any reasonable combination, at least do not disclose “a first indication, if an information field in the credit request message comprises the positive value, wherein the first indication notifies the server of

at least one of the newly allocated credits that the client has used, and at least one second indication, if the information field in the credit request message comprises the negative value, wherein each second indication corresponds to each credit that the client has released,” as recited by amended Claim 1. Amended Claims 6, 7, and 23 each include a similar recitation. Accordingly, independent Claims 1, 6, 7, and 23 each patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 6, 7, and 23.

Dependent Claims 3-5, 8, and 10-22 are also allowable at least for the reasons described above regarding independent Claims 1 and 7, and by virtue of their respective dependencies upon independent Claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 3-5, 8, and 10-22.

V. Conclusion

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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